

**REMARKS**

In response to the Restriction Requirement dated June 16, 2005, Applicant hereby elects, without traverse, to prosecute at least the invention of Group I, (claims 1, 3-10, 12-14, 16, 21-23, 26, 28, 29 and 33). Applicant hereby cancels claims 38-57 without prejudice or disclaimer. Applicant reserves the right to reintroduce such cancelled claims in one or more divisional applications.

Applicant respectfully submits that newly added claims 58-69 read on the invention of Group I. Applicant believes that at least the claims 1, 3-10, 12-14, 16, 21-23, 26, 28, 29, 33 and 58-69 are thereby elected for prosecution.

Applicant respectfully submits that these newly added claims are supported by the present patent specification.

No claims have been amended, claims 38-57 are cancelled, and claims 58-69 have been added herein. Claims 1-37 and 58-69 are now pending.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 09/970,146

Filing Date: October 2, 2001

Title: MEDICAL DEVICE HAVING RHEOMETRIC MATERIALS AND METHOD THEREFOR

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Dkt: 279.262US1

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2117 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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7/15/05

By

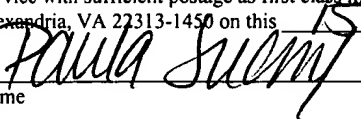


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, MS: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15 day of July, 2005.

Name



Signature

